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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/780,706	02/19/2004	James Crawford	06975-098002	3192
26171	7590	12/26/2007	EXAMINER	
FISH & RICHARDSON P.C. P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022			VU, THANH T	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/780,706	<b>Applicant(s)</b> CRAWFORD, JAMES
	<b>Examiner</b> THANH T. VU	<b>Art Unit</b> 2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

1) Responsive to communication(s) filed on 06 January 2007.  
 2a) This action is FINAL.      2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

4) Claim(s) 22-38 and 40-51 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 22-38, and 40-51 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO/1449)  
 Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_

5) Notice of Informal Patent Application  
 6) Other: \_\_\_\_\_

### **DETAILED ACTION**

This communication is responsive to Amendment, filed 10/06/2007

Claims 22-34, 35-38, and 40-51 are pending in this application. In the Amendment, claim 39 was cancelled, and claims 35-38, and 41-51 were amended.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 22-32, 35-38, and 40-49 are rejected under 35 U.S.C. 102(e) as being anticipated by Garfinkle et al. ("Garfinkle", U.S. Pat. No. 2002/0054768).

Per claim 22, Garfinkle teaches a method for displaying a display item sent between first and second users of a communications system, the method comprising:

receiving, from the first user, a display item ([0013]; *an image can be share among users having authorized access*);

obscuring the clarity of the received display item ([0026]; [0037]; *thumbnail image*);

displaying the obscured display item to the second user ([0026]; [0037]; *displaying of thumbnail image*);

receiving input from the second user indicating a willingness to enhance the clarity of the obscured display item ([0037]; *selecting a particular thumbnail a larger image is displayed*); and

enhancing the clarity of the obscured display item in response to the input from the second user ([0037]; *selecting a particular thumbnail a larger image is displayed*).

Per claim 23, Garfinkle teaches the method of claim 22 wherein the display item is an image ([0026]; [0037]; thumbnail image).

Per claim 24, Garfinkle teaches the method of claim 23 wherein the image is an image chosen by the first user to represent the first user ([0026]; *a user can choose a desire image to send to another user*).

Per claim 25, Garfinkle teaches the method of claim 23 wherein obscuring the clarity of the image comprises reducing a resolution of the image to create a poor resolution image ([0027]).

Per claim 26, Garfinkle teaches the method of claim 25 wherein enhancing the clarity of the obscured image comprises increasing the resolution of the poor resolution image ([0037]); *a larger version of image*).

Per claim 27, Garfinkle teaches the method of claim 23 wherein the image is compressed to a standardized image size ([0027]).

Per claim 28, Garfinkle teaches the method of claim 23 further comprising setting preferences for receiving images ([0037]; [0039]; [0047]; *a user can choose what image to download*).

Per claim 29, Garfinkle teaches the method of claim 28 wherein setting preferences comprises presenting a graphical user interface to the second user [0037]; HTML page).

Per claim 30, Garfinkle teaches the method of claim 23, wherein receiving the image comprises receiving all image data for the image, and obscuring the clarity of the image comprises reducing the image data to less than all of the image data ([0027]).

Per claim 31, Garfinkle teaches a method of claim 22 further comprising allowing the second user to reject the display item ([0039]; *a user can reject the image by making modification to the image*).

Per 32, Garfinkle teaches the method of claim 31, wherein allowing the second user to reject the display item comprises presenting a graphical user interface to the second user ([0039]; *a user can reject the image by making modification to the image*).

Claim 35 is rejected under the same rationale as claim 22.

Claims 36-37, Garfinkle teaches the computer readable medium of claim 35 wherein the computer readable medium comprises a disc, wherein the computer readable medium comprises a client device, and wherein the computer readable medium comprises a host device ([0017]; [0018]; [0022]).

Claim 40 is rejected under the same rationale as claim 1.

Claims 41-49 are rejected under the same rationale as claims 22-32 respectively.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 33-34, and 50-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over (“Garfinkle”, U.S. Pat. No. 2002/0054768), and Tang et al. (“Tang”, U.S. Pat. 6,349,327).

Per claims 33 and 34, Garinkle teaches the method of claim 22 wherein the communication system is an instant messaging system, and an instant message concurrently with the obscured display item in a separate dialog box. However, Tang teaches the communication system is an instant messaging system, and an instant message concurrently with the obscured display item in a separate dialog box (figs. 1 and 6; image data 22 and message 26; col. 8, lines 15-20). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include the method as taught by Tang in the invention Garinkle in order to provide users a method to chat with one another in real time.

Claims 50-51 are rejected under the same rationale as claims 33 and 34.

***Response to Arguments***

Applicant's arguments with respect to the amendment have been considered but are moot in view of the new ground(s) of rejection.

***Inquiries***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to THANH T. VU whose telephone number is (571)272-4073. The examiner can normally be reached on Mon- Fri 7:00 AM - 3:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Thanh T. Vu/  
Examiner, Art Unit 2174